

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

JAMES DINSIO,

Petitioner,

-against-

9:03-CV-0780  
(LEK/VEB)

SUPERINTENDENT,

Respondent.

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JAMES DINSIO,

Petitioner,

9:04-CV-0015  
(LEK/GJD)  
Member Case

-against-

JAMES CONWAY,

Respondent.

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**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed on September 25, 2007, by the Honorable Victor E. Bianchini, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 73).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Bianchini's Report-Recommendation. Furthermore, after examining the record, the Court has

determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

**ORDERED**, that the Report-Recommendation (Dkt. No. 73) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

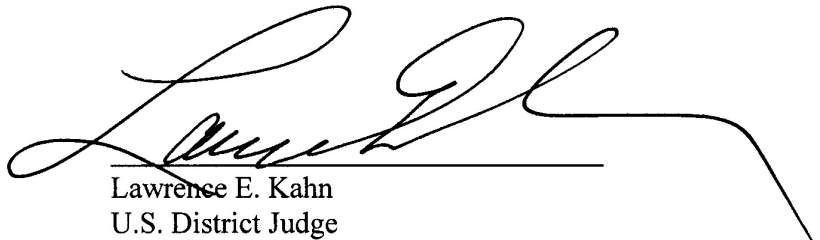
**ORDERED**, that the Petition (Dkt. No. 1) is **DENIED and DISMISSED**; and it is further

**ORDERED**, that no certificate of appealability be issued; and it is further

**ORDERED**, that the Clerk serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED: November 15, 2007  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge